

REMARKS

Claim Status

Claims 1-10, 12 and 13 are now pending, with claims 1, 2 and 10 being in independent form. Claim 11 has been canceled. Claims 1-10, 12 and 13 have been amended. Support for the amendments to independent claims 1, 2 and 10 may be found, for example, at pg. 4, lines 33-36 of the specification as originally filed. Claims 3-9, 11 and 12 have been amended to clarify minor claim wording. No new matter has been added. Reconsideration of the application, as herein amended, is respectfully requested.

Overview of the Office Action

Claims 1-13 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pub. No. 2003/0063590 (“*Mohan*”).

Applicants have carefully considered the Examiner’s rejections and the comments provided in support thereof. For the following reasons, Applicants respectfully assert that all claims now presented for examination in the present application are patentable over the cited art.

Descriptive Summary of the Prior Art

Mohan relates to “methods and systems for managing calls based on multimedia data, and more specifically to methods and systems that assist either a calling party or a called party or both in managing a call based on multimedia data” (see paragraph [0001], lines 4-6).

Summary of the Claimed Subject Matter

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The specification discloses a system and method for linking at least two multimedia terminals connected to each other via a landline or cellular network. The claimed system includes an application server that is connected to a storage memory containing multimedia content that may be chosen by a calling person. In accordance with the claimed invention, the application server comprises means for managing entities of the network to synchronize the signaling of a call between the terminal of the calling person and the terminal of the called person with the multimedia content chosen by the calling person, and means for adapting the multimedia content to the capabilities of the terminal of the called party.

Patentability of the Independent Claims Under 35 U.S.C. §102(b)

Independent claims 1, 2 and 10 have been amended to recite, *inter alia*, “wherein said multimedia content received at the terminal of the called person remains displayed on the terminal after initiation of said call and throughout said call”. Support for the amendments may be found, for example, at pg. 4, lines 33-36 of the specification as originally filed. No new matter has been added. *Mohan* fails to teach or suggest at least this limitation.

In contrast to the claimed invention, *Mohan* teaches a system in which the multimedia does not remain displayed on the terminal after initiation of a call between a calling party and the called party. Particularly, *Mohan* (paragraph [0074]; Figs. 6-9) describes the signaling flows for several specific applications of embodiments of the present invention. *Mohan* (paragraph [0076],

lines 1-4) explains that “[t]he MPCM service sends (4) a menu of options to the calling party. The caller selects (5) from the menu of options. In the sequence illustrated in FIG. 6, the user chooses to record a voice clip”. *Mohan* (paragraph [0077]) additionally explains that “[t]he MPCM service sends (7D) the recorded voice clip to the called party. The MPCM service sends (8) a menu of options to the called party based on the called party's profile. If the called party is not available, as illustrated, then the MPCM service applies (9) the default selection (for example, the MPCM service forwards the call to a mail box)”. According to *Mohan*, “[t]he MPCM service then closes (10) the media connection. The MPCM service establishes (11) a connection between the caller and the called party's mailbox. The MPCM service releases (12A and 12B) the call once the caller hangs up. The MPCM service disconnects (13) the call. The MPCM service stores (14) the caller's message in the mailbox” (see paragraph [0078]).

Mohan (step 10; Figs. 6-9) thus teaches that after receiving multimedia content, a called party selects a choice, such as (i) Answer the call or (ii) Forward the call, and that after a selection is performed by the called party, the MPCM service then closes the media connection (see step 10, paragraph [0078]). Consequently, *Mohan* fails to teach or suggest that multimedia content is displayed on the terminal of a called party after initiation of the call and throughout the call, as expressly recited in now amended independent claims 1, 2 and 10.

The Examiner (at pg. 4 of the Office Action) asserts that:

Mohan discloses *the multimedia content received by the terminal of the called person by default remains displayed on said terminal throughout the call, the called person being able at any time during the call to delete the display of said content*, (fig. 6 step 9 as illustrated, then the MPCM service applies (9) the default selection (for example, the MPCM service forwards the call to a mail box). [0035]: note a location server or MMS user agent provides a user with the ability to view, compose, and handle (at any time) multimedia message (including sending, receiving, and deleting message).

Applicants disagree. The section of *Mohan* referenced by the Examiner merely discloses a multimedia messaging service (MMS) and teaches nothing about when multimedia content is displayed at the terminal of the called person.

In view of the foregoing, reconsideration and withdrawal of the rejection of claims 1, 2 and 10 as anticipated by *Mohan* under 35 U.S.C. §102 are requested, and a notice to that effect is earnestly solicited.

Moreover, by virtue of the above-discussed differences between the recitations of claims 1, 2 and 10 and the teachings of *Mohan*, and the lack of any clear motivation for modifying *Mohan* to achieve Applicants' claimed invention, independent claims 1, 2 and 10 are also patentable over *Mohan* under 35 U.S.C. 103.

Dependent Claims

In view of the patentability of independent claims 1, 2 and 10 for the reasons presented above, each of dependent claims 3-9, 12 and 13 is respectfully deemed to be patentable therewith over the prior art. Moreover, each of these claims includes features which serve to still further distinguish the claimed invention over the applied art.

Conclusion

Based on all of the above, applicants submit that the present application is now in full and proper condition for allowance. Prompt and favorable action to this effect, and early passage of the application to issue, are once more solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned to facilitate an early resolution of any outstanding issues.

Respectfully submitted,
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Dated: May 19, 2009